

DEPARTMENT OF THE ARMY

Fort Knox, Kentucky 40121

(635-200a)

MEMORANDUM FOR

SUBJECT: Request for Discharge in Lieu of Trial by Courts-Martial

1. I, _____, SSN: _____, hereby voluntarily request discharge in lieu of trial by courts-martial under AR 635-200, Chapter 10. I understand that I may request discharge in lieu of trial by courts-martial because of the following charge(s) which (has) (have) been preferred against me under the Uniform Code of Military Justice, which authorize(s) the imposition of a bad conduct or dishonorable discharge:

2. I am making this request of my own free will and have not been subjected to any coercion whatsoever by any person. I have been advised of the implications that are attached to it. By submitting this request for discharge, I acknowledge that I understand the elements of the offense(s) charged and am guilty of the charge(s) against me or of (a) lesser included offense(s) therein contained which also authorize(s) the imposition of a bad conduct or dishonorable discharge. Moreover, I hereby state that under no circumstances do I desire further rehabilitation, for I have no desire to perform further military service.

3. Prior to completing this form, I have been afforded the opportunity to consult with appointed counsel for consultation (in addition, I have consulted with (military counsel of my own choice who was reasonably available) (civilian counsel retained at no expense to the Government)). (Although I have received a lawful order to see consulting counsel, I persist willfully in my refusal to see counsel.) I have consulted with counsel for consultation who has fully advised me of the nature of my rights under the Uniform Code of Military Justice, the elements of the offense(s) with which I am charged, any relevant lesser included offense(s) thereto, and the facts that must be established by competent evidence beyond a reasonable doubt to sustain a finding of guilty; the possible defenses which appear to be available at this time; and the maximum permissible punishment if I am found guilty. (I have further been advised of the legal effect and significance of my suspended discharge.) Although I have been furnished legal advice, this decision is my own. (I understand that, pursuant to a delegation of authority per paragraph 1-211, my request for discharge in lieu of trial by courts-martial may be approved by the commander exercising special court-martial convening authority, a lower level than the general court-martial convening authority or higher authority, but the authority to disapprove a request for discharge in lieu of trial by courts-martial may not be delegated.)

DATA REQUIRED BY THE PRIVACY ACT OF 1974 (5 USC 552a)

AUTHORITY: 10 U.S.C. 1169.

PURPOSE: To be used by the commander exercising general court-martial jurisdiction over you to determine approval or disapproval of your request.

ROUTINE USES: Request, with appropriate documentation including the decision of the discharge authority, will be filed in the MPRJ as permanent material and disposed of in accordance with AR 640-10, and may be used by other appropriate federal agencies and state and local governmental activities where use of the information is compatible with the purpose for which the information was collected.

DISCLOSURE: Submission of a request for discharge is voluntary. Failure to provide all or a portion of the requested information may result in your request being disapproved.

4. I understand that, if my request for discharge is accepted, I may be discharged under conditions which are other than honorable and furnished an Under Other Than Honorable Discharge certificate. I have been advised and understand the possible effects of an Other Than Honorable Discharge and that as a result of the issuance of such discharge, I will be deprived of many or all Army benefits, that I may be ineligible for many or all benefits administered by the Veteran's Administration, and that I may be deprived of my rights and benefits as a veteran under both Federal and State law. I also understand that I may expect to encounter substantial prejudice in civilian life because of an Under Other Than Honorable Discharge. I further understand that there is no automatic upgrading or automatic review of a less than honorable discharge by any Government agency or the Army Board for the Correction of Military Records. I understand that if I desire a review of my discharge, I must apply to either the Army Discharge Review Board or the Army Board for Correction of Military Records, and that the act of consideration by either board does not imply that my discharge will be upgraded.

5. I understand that, once my request for discharge is submitted, it may be withdrawn only with the consent of the commander exercising general court-martial authority, or without that commander's consent, in the event that my trial on these charges results in acquittal or a sentence which does not include a punitive discharge even though such a discharge could have been adjudged by the court. Further, I understand that if I depart absent without leave, this request may be processed and I may be discharged even though absent without authority.

6. I have been advised that I may submit any statements I desire in my own behalf, which will accompany this request for discharge and be considered by the discharge authority. Statements in my own behalf are (not) submitted with this request.

7. I hereby acknowledge receipt of a copy of this request for discharge and all enclosures submitted herewith.

Signature of Respondent

Printed name, rank, and social security number

Having been advised by me of (the basis for his or her contemplated trial by court-martial and the maximum permissible punishment authorized under the Uniform Code of Military Justice) (the legal significance of his or her suspended sentence to a bad conduct or dishonorable discharge); of the possible effects of a discharge Under Other Than Honorable conditions if this request is approved; and of the procedures and rights available to him or her, _____ personally made the choice indicated in the foregoing request for discharge in lieu of trial by courts-martial.

Signature of Counsel for Consultation

Printed Name and Grade of Counsel